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DISSEMINATION

for EGYPT file

2007 OCT 18 PM 12:33  
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Subject: FW: Egypt: Conditionality on FMF Assistance

Dear Friends,

I will be calling in follow up to this request. In a nutshell, we hope the Senate will pass a clean appropriation for Egypt in conformance with the Camp David accords. (The House is playing with restrictions that can only cause us trouble with a valuable ally.)

Many thanks,

Bob Livingston

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(Issue)

HR 2764: FY2008 State, Foreign Operations & Related Programs Appropriations Act

\* The House approved bill places conditions on FMF appropriations to Egypt:

(Sec. 699) States that specified amounts of foreign military financing appropriations under this Act shall not be made available for Egypt until the Secretary certifies to the Appropriations Committees that the government of Egypt has taken steps to: (1) enact a new judicial authority law that protects the independence of the judiciary; (2) review criminal procedures and train police leadership in modern policing to curb police abuses; and (3) destroy the smuggling network and smuggling tunnels from Egypt to Gaza.

\* Senator Kyl has filed an amendment (No. 2786) expressing a sense of Congress regarding "actions needed on the part of the Government of Egypt to promote the rule of law and reduce the smuggling into Gaza. Places no conditions on aid. The amendment is cosponsored by Senators Lieberman, Collins and Ensign.

(Background)

\* The tunnel issue is a two-way street.

Smuggling is possible across any border where demand exists.

After Israel withdrew from within Gaza and Hamas forcibly took over control of the Strip from the Palestinian Authority, this border (14.7 km) is only

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being patrolled by Egyptian border guards and security personnel from one side.

Demand for smuggled products has increased to cover a wide range of items, including weapons which arrive mostly from the sea (not tunnels), in spite of the presence of the Israeli navy.

Egypt's resources on the border are limited by its peace agreement with Israel which places restrictions on its force numbers, armament and mobility along the border.

Egypt does not underestimate the problem:

- \* Since their deployment in September 2005, Egypt's Border Guard Forces have discovered and destroyed more than 150 tunnel heads. Intensified security presence and regular patrols aborted 73 smuggling attempts and 64 infiltration attempts.

- \* A Presidential decree banned civilian facilities within a 50 meter wide security buffer zone inside the city of Rafah.

- \* A provision was added to the Egyptian Criminal codes strengthening the penalty for any person involved in practicing any kind of smuggling activity.

Egypt is committed to strengthening the border including:

- \* With the acceptance of Israel, Egypt is ready to double the number of Border Guard Forces.

- \* Egypt has already expanded the buffer zone from 50 to 150 meters.

(Request)

- \* The conditions placed on FMF aid to Egypt is not part of the deal the US made with Egypt in the 1970s; which included Egypt recognizing Israel, securing the borders, and providing intelligence.

- \* With regards to the smuggling tunnels between Egypt and Gaza, Egypt is working hard to pursue technology to help monitor and control border security.

- \* Secretary Rice and Undersecretary Burns will be on the Hill next week in support of the Middle East assistance package.

- \* We request consideration by the Senate to turn down conditionality on aid to Egypt.

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